

2005 DRAFTING REQUEST

Senate Amendment (SA-AB558)

Received: **11/10/2005**

Received By: **mshovers**

Wanted: **Today**

Identical to LRB:

For: **Ronald Brown (608) 266-8546**

By/Representing: **Katie**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - zoning**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Brown@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Limiting the reasons for which a local government may withhold approval of a permit

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mshovers 11/10/2005	jdyer 11/10/2005	jfrantze 11/10/2005	_____	sbasford 11/10/2005	sbasford 11/10/2005	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Senate Amendment (SA-AB558)

Received: **11/10/2005**

Received By: **mshovers**

Wanted: **Today**

Identical to LRB:

For: **Ronald Brown (608) 266-8546**

By/Representing: **Katie**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - zoning**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Brown@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Limiting the reasons for which a local government may withhold approval of a permit

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/1	mshovers	1 11/10 jld		Self			
11 MES	11/10/05			11/10			

FE Sent For:

<END>

Shovers, Marc

From: Mnuk, Katie
Sent: Thursday, November 10, 2005 10:46 AM
To: Shovers, Marc
Subject: 2005 SB 283 (conditional use permits) clarification?

Marc, just to clarify, can we get the amendment drafted to both the Senate and Assembly versions (SB 283 and AB 558). I believe we'll actually move AB 558 since its already come through the Assembly -- Please let me know if you have any questions --

Thanks,
Katie

From: Mnuk, Katie
Sent: Thursday, November 10, 2005 8:27 AM
To: Shovers, Marc
Cc: Offerdahl, Mary
Subject: FW: 2005 SB 283 (conditional use permits) clarification?

Marc, could you please draft the amendment described below, to ensure that the bill covers all county zoning agencies?

Thank you!
Katie

From: Offerdahl, Mary
Sent: Monday, November 07, 2005 3:15 PM
To: Mnuk, Katie
Cc: Shovers, Marc; Lindstedt, Daniel
Subject: RE: 2005 SB 283 (conditional use permits) clarification?

Hi Katie (copy to Dan and Marc), This chain of emails relate to an issue I'm raising regarding 2005 SB 283 (the billboard-related bill re conditional use permits) that I've talked about with the LRB drafter, Marc Shovers. Marc understands the issue and is waiting to hear whether you want him to address it. Could you please let him know? Feel free to give me a call if you have any questions after reading my emails below. Thanks Katie, Mary O.

Mary Offerdahl, Staff Attorney
Wisconsin Legislative Council Staff
Work Phone: (608) 266-2230

From: Lindstedt, Daniel
Sent: Monday, November 07, 2005 2:53 PM
To: Offerdahl, Mary
Cc: Shovers, Marc
Subject: RE: 2005 SB 283 (conditional use permits) clarification?

Mary:

Thank you for the e-mails.

If you would please send these to our office chief of staff, Katie Mnuk, as she is the primary contact on this issue.

Thanks.

- Dan

From: Offerdahl, Mary

Sent: Monday, November 07, 2005 2:41 PM
To: Lindstedt, Daniel
Cc: Shovers, Marc
Subject: FW: 2005 SB 283 (conditional use permits) clarification?

Hi Dan (copy to Marc), Regarding the SB 283 issue I've raised in the two emails below, I've talked with the LRB drafter and Marc understands the issue and will wait to hear from you regarding whether you want him to address it. Please let me know if you have any questions. Thanks, Mary O.

Mary Offerdahl, Staff Attorney
Wisconsin Legislative Council Staff
Work Phone: (608) 266-2230

From: Offerdahl, Mary
Sent: Monday, November 07, 2005 10:10 AM
To: Shovers, Marc
Cc: Lindstedt, Daniel
Subject: FW: 2005 SB 283 (conditional use permits) clarification?

Hi Marc (copy to Dan Lindstedt in Sen. Brown's office), I'm forwarding the email below that I sent to Sen. Brown's staff last session re 2003 SB 237 (predecessor to 2005 SB 283). Given that the governing board may also sometimes issue conditional use permits, perhaps an separate paragraph even broader than the one I suggest in my email below may be appropriate--i.e., "The entity authorized to issue conditional uses may not condition or withhold approval of a permit...."

Mary Offerdahl, Staff Attorney
Wisconsin Legislative Council Staff
Work Phone: (608) 266-2230

-----Original Message-----

From: Offerdahl, Mary
Sent: Thursday, February 12, 2004 3:14 PM
To: Gilbert, Melissa
Cc: Sweet, Richard; Shovers, Marc; Dyke, Don
Subject: SB 237 (conditional use permits) clarification?

Hi Missy,

I just called and you're out for the afternoon, so I'm sending this email. As I was writing the amendment memo for SB 237, relating to limiting the reasons for which a local government may withhold approval of a conditional use permit, I noticed that the prohibition created by the amendment in s. 59.69 (2) (bm), Stats., could be read as applying only to one of what might be two types of county zoning agencies. The county zoning agency discussed in par. (bm) has a head appointed by the county executive or county administrator under sub.(10) (b) 2. that "shall have the **administrative** powers and duties specified for the county zoning agency,,,", and thus "the county zoning agency shall be only a policy-making body determining the broad outlines and principles governing such administrative powers and duties..."

Such a zoning agency might be different than a zoning agency under par. (a) that did not have such a head, and therefore would itself have the administrative powers and duties specified for a county zoning agency.

To ensure that the prohibition in the amendment applies to all county zoning agencies, and not just the type described in par. (bm), you might want to take the prohibition created by the amendment out of par. (bm) and create a third paragraph starting "No county zoning agency may"

I discussed this with the drafter, Marc Shovers, and he is willing to draft this as clarification if you would like. I told Marc we'd get back to him on whether you would like him to do that. Please let me know if you have any questions. Mary

Mary Offerdahl
Staff Attorney
Legislative Council



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa1491/1

MES:...

jd (RMR)

SENATE AMENDMENT ,
TO 2005 ASSEMBLY BILL 558

today

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 1: delete lines 1 to 13 and substitute:

3 "SECTION 1e. 59.69 (2) (g) of the statutes is created to read:

4 59.69 (2) (g) Neither the board nor the county zoning agency may condition or
5 withhold approval of a permit under this section based upon the property owner
6 entering into a contract, or discontinuing, modifying, extending, or renewing any
7 contract, with a 3rd party under which the 3rd party is engaging in a lawful use of
8 the property."

9 (END)